In the High Court of Punjab and Haryana, Chandigarh.

C.W.P. No.8389 of 2007

Date of Decision: 28.5.2007

Raj Kumar.

…Petitioner.

Versus

State of Punjab and Another.

…Respondents.

CORAM: HON'BLE MR.JUSTICE M.M.KUMAR
HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr.S.P.S.Tinna, Advocate
for the petitioner.

JUDGMENT

M.M.KUMAR, J.

The prayer made in this petition is for issuance of directions to the respondent-Shaheed Bhagat Singh College of Engineering and Technology, Moga Raod, Ferozepur to allow the petitioner to join his duty with effect from 8.5.2006.

It is appropriate to mention that the petitioner was appointed as Clerk on ad-hoc basis with the respondent No.2 for a period of six months on 29.8.2003 (P1) which period was extended later on (P2). However, he was relieved from service on 4.10.2004. Thereafter, the petitioner approached the Technical Education and Industrial Department, which has passed an order on 3.5.2006 (P4), which reads as under:-

"Sub: Regarding break in adhoc service of Clerk Sh.Raj Kumar.

Regarding the above subject.

2. The order is given to keep Sh.Raj Kumar Clerk in Shaheed Bhagat Singh College of Engg. & Tech. Ferozepur on adhoc basis for six months or till the time new selection/appointments are not made. This order is being given under the orders of Hon'ble Deputy Chief Minister.

Sd/-3-5

Superintendent".

After hearing the learned counsel and perusing the documents, we are of the view that the petitioner cannot be granted the relief of reinstatement in service because he has no vested right to hold the post of Clerk. It is evident that he has not been appointed after issuance of advertisement and consideration of competing claims of other available candidates in the field. His appointment has to be consistent with the provisions of Articles 14 and 16 (i) of the Constitution. The recommendation made by the Deputy Chief Minister, to which reference has been made in the order dated 3.5.2006 passed by the respondent-department (P4), could not, therefore, be appreciated. This petition is wholly without merits.

Dismissed.

(M.M.KUMAR)
Judge

May 28, 2007 **(RAJESH BINDAL)**
dkb **Judge**